

ORDINANCE NO. 3353

AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE, THE LAND USE ORDINANCE, AND TITLE 23 OF THE SAN LUIS OBISPO COUNTY CODE, THE COASTAL ZONE LAND USE ORDINANCE RELATING TO SECONDARY DWELLINGS (ACCESSORY DWELLING UNITS)

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1. Chapter 22.30 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by revising Section 22.30.470 as follows:

22.30.470 – Residential – Secondary Dwellings

B. Limitations on use.

2. ~~Occupancy of primary and secondary units restricted. No secondary dwelling shall be approved in compliance with this Section unless an owner of the site agrees to occupy one unit on the site as his or her primary residence. Prior to final building inspection, the applicant for a second unit shall record a notice against the property notifying any subsequent purchaser that failure to meet this requirement will subject the second unit to abatement by the County in compliance with Chapter 22.10.~~

F. Design standards.

1. The following apply to all land use categories where secondary dwellings are allowed.

SIZE OF LOT	MAXIMUM SIZE OF UNIT(1)	TYPE OF ROAD SURFACE(2)	MAXIMUM DISTANCE FROM PRIMARY UNIT
6,000 sq. ft. - 1 acre	800 square feet	Paved	50 feet
> 1 acre - 2 acres	800 square feet	Chip seal(3)	50 feet
> 2 acres	1,200 square feet	Chip seal(3)	250 feet

Notes:

- (1) Includes attics greater than six feet in height, unconditioned storage space and lofts.
- ~~(2) If the road that provides access to the property is maintained by the County, State or special district, the surfacing requirement does not apply. If the road is not maintained by the County, State or special district, the surfacing requirement applies and the road must be maintained through an agreement with property owners fronting the road or through an established homeowners association.~~
- ~~(3) Chip seal must be placed over a Class II, or better, base material as defined by California Department of Transportation standards along the property frontage and back to nearest maintained road.~~

SECTION 2. Chapter 8 of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended by revising Section 23.08.169 as follows:

23.08.169 – Secondary Dwelling Units (S-8): A second permanent dwelling may be allowed pursuant to this section on a site in the Residential Single-Family, Residential Suburban and Residential Rural land use categories, in addition to the first dwelling on a site allowed by Section 23.04.082, provided the site and the existing primary dwelling satisfy all other applicable provisions of this title. (A caretaker residence is subject to Section 23.08.161, farm support quarters are subject to Section 23.08.167c.)

b. Limitations on use.

- (2) ~~Occupancy of primary and secondary units restricted. No secondary dwelling shall be approved pursuant to this section unless an owner of the site agrees to occupy one unit on the site as his or her primary residence. Prior to final building inspection, the applicant for a second unit shall record a notice against the property notifying any subsequent purchaser that failure to meet this requirement will subject the second unit to abatement by the county pursuant to Chapter 23.10 of this Title.~~

F. Design standards.

- (1) The following standards apply to all land use categories where secondary dwellings are allowed.

SIZE OF LOT	MAXIMUM SIZE OF UNIT(1)	TYPE OF ROAD SURFACE(2)	MAXIMUM DISTANCE FROM PRIMARY UNIT
6,000 sq. ft. - 1	800 square feet	Paved	50 feet
> 1 acre - 2 acres	800 square feet	Chip Seal (3)	50 feet
> 2 acres	1,200 square feet	Chip Seal (3)	250 feet

Notes:

- (1) Includes attics greater than 6 feet in height, unconditioned storage space and lofts.
- ~~(2) If the road that provides access to the property is maintained by the County, State, or special district, the surfacing requirement does not apply. If the road is not maintained by the County, State or special district, the surfacing requirement applies and the road must be maintained through an agreement with property owners fronting the road or through an established homeowners association.~~
- ~~(3) Chip seal must be placed over a Class II, or better, base material as defined by California Department of Transportation standards along the property frontage and back to the nearest maintained road.~~

SECTION 3. This project is statutorily exempt from the California Environmental Quality Act (CEQA). The project is covered by a specific statutory exemption [Sec. 15282(h)] for the adoption of an ordinance regarding secondary units in a single-family or multi-family residential zone to implement the provisions of Section 65852.150(b).

SECTION 4. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 5: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 18th day of July, 2017, by the following roll call vote, to wit:

AYES: Supervisors Lynn Compton, Debbie Arnold, Bruce S. Gibson, Adam Hill and
Chairperson John Peschong
NOES: None
ABSENT: None
ABSTAINING: None

John Peschong
Chairman of the Board of Supervisors,
County of San Luis Obispo,
State of California

ATTEST:

TOMMY GONG
County Clerk and Ex-Officio Clerk
of the Board of Supervisors
County of San Luis Obispo, State of California

By: Annette Ramirez
Deputy Clerk